SBCivil Writ Petition No.4753/2002

Akle Saleem
v.
The Distt. & Sessions Judge, Merta

Date of Order :: 13th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.C.Purohit, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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The petitioner faced selection proceedings for the purpose of appointments to the posts of Clerks and Stenographers in District Judgeship Merta. As a consequent to selection proceedings a select list was declared on 12.11.2001. Out of 13 persons in the select list referred above appointments were offered to ten persons, however, one Shri Manish Sonewal, who was at Sr.No.10 in the select list, did not choose to join the service.

The contention of the petitioner is that he was at Sr.No.11 in the select list, therefore, in event of non-joining of Manish Sonewal appointment should have been offered to him but the respondent employed one Shri Shivpal Ram Saini, who was at Sr.No.12 in the select list.

A reply to the writ petition has been filed on behalf of the respondent admitting the fact that

the petitioner was at Sr.No.11 in the select list, however, it is stated that the petitioner applied for appointment as an aspirant belonging to general category whereas the post concerned in accordance with the roster point was for other backward categories. Shri Shivpal Ram Saini applied for appointment under the category of OBCs, therefore, appointment was accorded to him. It is also averred that the petitioner also became a member of OBC in pursuant to a notification issued by Government of Rajasthan dated 24.6.2002 but that is at a stage subsequent of completion of selection proceedings, therefore, the candidature of the petitioner was not considered for appointment in the category of OBCs.

Heard counsel for the parties.

From the facts averred in reply to the writ petition it is apparent that the petitioner did not apply for appointment by claiming himself to be a member of OBC. The vacancy against which appointment was given to Shri Shivpal Ram Saini was pertaining to OBCs and, therefore, I do not find any error in the act of the respondent by giving appointment to Shri Shivpal Ram Saini by ignoring merit position of the petitioner. It is the position admitted that till completion of selection proceedings the petitioner was not declared as a member of OBC, therefore, there was no question of considering his candidature in the

category of OBCs. The petitioner also never applied to be considered for appointment as a member of OBC.

In view of whatever discussed above, I do not find any merit in the writ petition. The same, therefore is dismissed.

(GOVIND MATHUR),J.

kkm/ps.